

RESOLUTION NUMBER R- 314818

DATE OF FINAL PASSAGE MAY 23 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING A FEE FOR SIDEWALK VENDING
APPLICATIONS AND PERMITS ISSUED UNDER CHAPTER 3
ARTICLE 6, DIVISION 1 OF THE SAN DIEGO MUNICIPAL
CODE.

WHEREAS, the Sidewalk Vending Ordinance (San Diego Ordinance O-21459, effective May 23, 2022), codified in Chapter 3, Article 6, Division 1, sections 36.0101 to 36.0116 of the San Diego Municipal Code, establishes a permit process and regulation of sidewalk vending in the City of San Diego (City); and

WHEREAS, it is the policy of the City to establish fees to recover the costs of providing services in accordance with San Diego Administrative Regulation 95.25 and Council Policy 100-05, "User Fee Policy," and applicable State of California law; and

WHEREAS, the City conducted a full evaluation of the projected costs and revenues associated with providing City services to implement and enforce the Sidewalk Vending Ordinance, in accordance with the California Constitution, which authorizes local governments to impose fees or charges related to government services, regulatory fees, and charges for use of local government property; and

WHEREAS, the San Diego City Council (Council) established a \$38 fee for sidewalk vending applications and permits (Fee) by adopting Resolution R-314117, effective May 23, 2022; and

WHEREAS, the Fee reflects a portion of the estimated reasonable cost of providing the service for which the Fee is charged as set forth in the staff report accompanying this Resolution; and

WHEREAS, the Council requested that City staff return for a review and analysis of actual data and costs and to consider whether any Fee modifications are necessary or desired; and

WHEREAS, the Fee was reviewed by the Budget and Government Efficiency Committee on April 12, 2023, in accordance with Council Policy 100-05; and

WHEREAS, the Council desires to continue with the Fee set at a level that is lower than the estimated full reasonable cost of providing the sidewalk vending applications and permits in order to reduce the barrier to entry for community participants; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Fee of \$38 paid with the submission of an application for a sidewalk vending permit is approved to partially recover costs incurred by the City in providing such services.

Passed by the Council of The City of San Diego on MAY 15 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 23 2023.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
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